

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-----------|--|-------------------|-------------------|
| In re: | Mühlbauer | Confirmation No.: | 3618 |
| Appl No.: | 10/581,703 | Group Art Unit: | 1638 |
| Filed: | June 2, 2006 | Examiner: | Kubeliki, Anne R. |
| For: | CONTROLLING GENE EXPRESSION IN PLASIDS | | |

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated December 11, 2007, in which the Examiner has required restriction between Group I, namely Claims 29 and 1-5, 9, 22, 24-28 and 31-42, all in part, and Group II, namely Claims 6-8, 10-21, 23, 30 and 1-5, 9, 22, 24-28 and 31-42, all in part . Applicant hereby provisionally elects with traverse to prosecute the claims of Group II (Claims 6-8, 10-21, 23, 30 and 1-5, 9, 22, 24-28 and 31-42, all in part) and expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

/david m. saravitz/

David M. Saravitz
Registration No. 55,593

CUSTOMER No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260